



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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GORDON SURGICAL GROUP, P.C.,
PREMIER MEDICAL ASSOCIATES OF
THE HUDSON VALLEY LLP and NORTHERN
WESTCHESTER SURGICAL ASSOCIATES, LLP,

Plaintiffs,

21-CV-4796 (GHW) (KHP)

-against-

ORDER

EMPIRE HEALTHCHOICE HMO, INC. and
EMPIRE HEALTHCHOICE ASSURANCE, INC.,

Defendants.

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KATHARINE H. PARKER, United States Magistrate Judge:

By **Wednesday, November 22, 2023**, Plaintiffs and Defendants are each directed to email to Chambers at Parker_NYSDChambers@nysd.uscourts.gov the following items, with opposing counsel copied on the emails:

- Plaintiffs shall email the Court a copy of Exhibit 1 to the Second Amended Complaint in native Microsoft Excel format. The exhibit should be broken up into two spreadsheets: (1) Medical Claims that are governed by ERISA health plans; and (2) Medical Claims that are governed by non-ERISA health plans. The spreadsheet should also include a column that notes whether any of the Medical Claims are governed by Plans where the Defendants are not the Plan or Plan Administrator, but are an alleged “joint administrator” or “claims administrator.” The spreadsheets should be presented in such a way that the Court can easily sort the different columns so that it can see, for

example, only those claims that are governed by a specific health plan, or only those claims that relate to services for a specific patient.

- Defendants shall email the Court copies of the exhibits to the Sirota Declaration (and specifically, the corrected versions of these exhibits, where corrected versions were submitted) in native Microsoft Excel format. As to the corrected Exhibit B, that exhibit shall be broken up into two separate spreadsheets: (1) Medical Claims that are governed by ERISA Plans; and (2) Medical Claims that are governed by non-ERISA Plans. For those rows where Defendants have asserted they are the improper party and listed “N/A” in the “ERISA” column, Defendants shall, to the greatest extent possible, fill in whether the relevant health plan is governed by ERISA. The spreadsheets should be presented in such a way that the Court can easily sort the different columns so that it can see, for example, only those claims that are subject to the statute of limitations argument, etc.

SO ORDERED.

DATED: New York, New York
November 9, 2023



KATHARINE H. PARKER
United States Magistrate Judge